

**BEFORE THE IDAHO STATE BOARD OF  
DRINKING WATER AND WASTEWATER PROFESSIONALS**

In the Matter of the License of:	)	
	)	Case No. WWP-2009-22
WALLACE E. HAMMONS,	)	
License No. BAT-309,	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW AND</b>
Respondent.	)	<b>FINAL ORDER</b>
	)	

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Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Board of Drinking Water and Wastewater Professionals (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

**FINDINGS OF FACT**

1. Respondent Wallace E. Hammons ("Respondent") is a duly licensed Backflow Assembly Tester in the State of Idaho holding License No. BAT-309.

2. Pursuant to Idaho Code § 54-2406, the Board has adopted a rule requiring continuing education as a condition of continued licensure. Board Rule 500.01 (IDAPA 24.05.01.500.01) requires each licensed backflow assembly tester to complete an eight (8) hour refresher course every two (2) years for license renewal. Board Rule 500.04 (IDAPA 24.05.01.500.04) requires each licensee to maintain verification of continuing education attendance and to provide such verification upon the request of the Board or its agent.

3. On or about December 3, 2007, Respondent submitted an on-line License Renewal Application for the 2007-08 renewal year. As part of the License Renewal Application, Respondent answered "yes" to the question: "Have you completed a minimum of continuing education hours within the previous 12 months?" Respondent also answered "yes" to the following affidavit questions: "I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true

and correct” and “I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application.” A copy of the Receipt for Respondent’s December 3, 2007, on-line renewal is attached as Exhibit A.

4. On or about February 1, 2008, Respondent was notified that he had been selected for a continuing education audit. A copy of the continuing education audit request is attached as Exhibit B. Respondent was requested to provide documentation to the Bureau of Occupational Licenses by March 1, 2008, to confirm completion of the Board’s continuing education requirement for the period December 3, 2005, to December 3, 2007. Respondent did not respond to the continuing education audit request.

5. By certified letter dated November 26, 2008, the Bureau of Occupational Licenses again requested Respondent to respond to the continuing education audit request. A copy of the November 26, 2008, letter from the Bureau of Occupational Licenses is attached as Exhibit C.

6. On or about December 8, 2008, Respondent submitted to the Bureau of Occupational Licenses his Continuing Education Audit Verification and Certificate of Compliance with supporting documentation, copies of which are attached as Exhibit D.

7. The Continuing Education Audit Verification and Certificate of Compliance submitted by Respondent reflects that Respondent attended a BAT Refresher course on March 6, 2008, after he renewed his license for the 2007-08 year and after he had been notified of the continuing education audit.

8. Despite certifying on his License Renewal Application on December 3, 2007, that he had met the Board’s continuing education requirement, Respondent failed to complete an eight (8) hour refresher course during the two-year audit period.

9. On January 23, 2009, Respondent voluntarily surrendered his license, admitting to violations of the Drinking Water and Wastewater Professionals Practice Act. A copy of the voluntary surrender form signed by Respondent is attached as Exhibit E.

10. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to him pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

### **CONCLUSIONS OF LAW**

1. As a licensed Backflow Assembly Tester in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 24, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. Respondent's failure to complete an eight (8) hour refresher course during the two-year period before renewal on December 3, 2007, constitutes a violation of the laws and rules of the Board, specifically Idaho Code §§ 54-2412(1)(a) and (d) and IDAPA 24.05.01.500.01.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-2412.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that License No. BAT-309 issued to Respondent Wallace E. Hammons, including any right of reinstatement or renewal, is hereby SUSPENDED for two (2) years from the date of entry of this Order.

It is further ordered that, should Respondent request reinstatement of licensure in the future:

1. Respondent shall first pay costs and attorney fees incurred by the Board in this matter in the amount of Three Hundred Fifty and No/100 Dollars (\$350.00); and

2. In addition to any other requirements required by the Board for reinstatement, Respondent shall submit documentation verifying completion of an 8-hour Backflow Assembly Tester refresher course or the equivalent within the two-year period prior to application.

This order is effective immediately.

DATED this 20<sup>th</sup> day of February, 2009.

IDAHO STATE BOARD OF DRINKING  
WATER AND WASTEWATER  
PROFESSIONALS

By Bill Thompson  
Bill Thompson, Chair

### NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## CERTIFICATE OF SERVICE

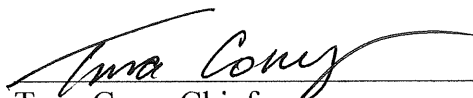
I HEREBY CERTIFY that on this 20<sup>th</sup> day of February, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Wallace E. Hammons  
P.O. Box 1179  
Caldwell, ID 83606

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Karin Magnelli  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
\_\_\_\_\_  
Tana Cory, Chief  
Bureau of Occupational Licenses

STATE OF IDAHO  
BUREAU OF OCCUPATIONAL LICENSES

RECEIPT

Owyhee Plaza  
1109 Main St., Suite 220  
Boise, Idaho 83702-5642

(208) 334-3233

Receipt No

20684

Received From **WALLACE E HAMMONS**

Date Received	12/3/2007
Amount Received	\$45.00
Payment Type	CreditCard
Authorization Number	VLCA1F50165F
Board	WWP
License No	BAT-309

**THE RECEIPT IS NOT PROOF OF CURRENT LICENSURE AND MAY NOT BE USED AS SUCH.**

QUESTIONS

1. ☐ YES ☒ NO Since the date of your last application have you (or any owner of the named business entity) pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for any felony in this or any other jurisdiction?
2. ☐ YES ☒ NO Since the date of your last application have you (or any owner of the named business entity) received any type of disciplinary sanction, restriction, or limitation from any regulatory licensing authority or organization in this or any other jurisdiction?
3. ☒ YES ☐ NO Have you completed a minimum of continuing education hours within the previous 12 months?

AFFIDAVIT

I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct. - (Response: YES)

I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application. - (Response: YES)

Exhibit A  
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# STATE OF IDAHO

## BUREAU OF OCCUPATIONAL LICENSES

February 1, 2008

Owyhee Plaza  
1109 Main St., Suite 220  
Boise, Idaho 83702-5642  
(208) 334-3233  
FAX (208) 334-3945  
E-Mail [ibol@ibol.idaho.gov](mailto:ibol@ibol.idaho.gov)  
Website [www.ibol.idaho.gov](http://www.ibol.idaho.gov)

WALLACE E HAMMONS  
PO BOX 1179  
CALDWELL ID 83606 1179

**WWP-2008-36**

**YOU HAVE BEEN SELECTED FOR A  
BACKFLOW ASSEMBLY TESTER RE-CERTIFICATION AUDIT**  
License No BAT-309

In accordance with the laws and rules of the DRINKING WATER & WASTEWATER PROFESSIONALS, the Bureau is conducting an audit of your continuing education. Please provide the following information:

1. COMPLETE THE ENCLOSED C.E. VERIFICATION FORM;
2. ATTACH PROOF OF ATTENDANCE DOCUMENTATION;
3. RESPOND TO THE AFFIDAVIT BY SIGNING THE FORM;
4. PRINT YOUR NAME & LICENSE NUMBER IN THE SPACE INDICATED;
5. ATTACH EVERYTHING TO THIS LETTER AND MAIL TO THE BUREAU.

The documentation you provide should confirm your completion of Backflow Assembly Tester Re-Certification during the period between 12/03/2005 and 12/03/2007. Photocopies of your proof of attendance / completion certificates must be attached.

Your response is required and must be received by this office before 03/01/2008. The information you submit will be presented to the Board for their review. You will be notified if any additional information is necessary.

Your prompt attention to this request is greatly appreciated.

Sincerely,

Idaho Bureau of Occupational Licenses



Exhibit B  
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# STATE OF IDAHO

BUREAU OF OCCUPATIONAL LICENSES – INVESTIGATIVE UNIT

Owyhee Plaza  
1109 Main St., Suite 220  
Boise, Idaho 83702-5642  
E-Mail [ibol@ibol.idaho.gov](mailto:ibol@ibol.idaho.gov)  
Website [www.ibol.idaho.gov](http://www.ibol.idaho.gov)

November 26, 2008

***CERTIFIED MAIL – Return Receipt Requested  
and REGULAR US MAIL***

WALLACE E HAMMONS  
PO BOX 1179  
CALDWELL ID 83606

RE: License # BAT-309 - Continuing Education  
Case # I-WWP-2008-36

Dear Licensee:

The DRINKING WATER & WASTEWATER PROFESSIONALS laws and rules require annual continuing education as a condition for license renewal. Those licensed to practice BACKFLOW ASSEMBLY TESTING must certify the completion of 8 hours of continuing education each year. In addition, licensees are required to maintain all proof of attendance documentation and provide the same upon the request of the Board. Our records show that your renewal application included certification that you had met the CE requirement.

This office notified you on 1/25/2008 that your CE was being audited for the 24 month period prior to 12/3/2007 and you were asked to provide proof of attendance within 14 days. As of this date, we have not received that documentation.

In order to maintain your licensure, you must provide proof of attendance for the required continuing education. Be advised that you must **respond to this final request within ten (10) days** of the date of this letter. **If your response is not received, this matter will be referred to the Office of the Attorney General and disciplinary action against your right to licensure will be initiated.**

Your immediate attention to this matter will be appreciated.

Sincerely,

Budd A. Hetrick, Jr.  
Deputy Bureau Chief

Exhibit C  
Page 1 of 1



STATE OF IDAHO  
BUREAU OF OCCUPATIONAL LICENSES  
1109 Main Street, Suite 220  
Boise, Idaho 83702-5642  
(208) 334-3233

CONTINUING EDUCATION AUDIT

VERIFICATION & CERTIFICATE OF COMPLIANCE

Pursuant to your profession's licensure laws and rules and the Board's request, please complete the certificate below and return it with a copy of your BAT re-fresher certificate. Failure to provide proof of attendance or official certification of the required continuing education may result in Board action against your right to licensure.

Course Title:	Dates:	Sponsoring Organization:	Location:	Total hrs:
BAT REFRESHER	MAR 6, 08	SOUTHWEST ID SUBSECTION ACQUA	BOISE	8
TOTAL HOURS				8

AFFIDAVIT

I hereby certify under penalty of perjury that my response to the above is true and correct and that I have completed the continuing education outlined above as required by the Idaho laws and rules applicable to the profession for which I am licensed. I further certify that official certified documentation proving my attendance at the continuing education outlined above is attached and that failure to submit proof of attendance may result in action against my right to licensure.

Signature

Social Security #

Date

Print Name

License Number

**YOU MUST PROVIDE PROOF OF ATTENDANCE IN ADDITION TO THIS FORM**



\* B A T - 3 0 9 \*

Exhibit

Page

1 of 2



*Certificate of Completion*

Southwest Idaho  
Subsection, AWWA

*This certificate is presented to*

Wally Hammons

*Has Been Awarded .8 C.E.U. For BAT Refresher WWP0802719  
March 6, 2008*

Signature

*Bill Hays*

Date

*3-6-08*



# IDAHO BUREAU OF OCCUPATIONAL LICENSES

## VOLUNTARY SURRENDER OF LICENSE

I, WALLACE E. HAMMONS, hereby voluntarily surrender my license to practice as a Backflow Assembly Tester in the State of Idaho. I agree and consent that the surrender of my license to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my failure to comply with Idaho Law, title 54, chapter 24, Idaho Code, and the rules promulgated by the Idaho Board of Drinking Water and Wastewater Professionals ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice in the State of Idaho and agree to immediately discontinue the practice of Backflow Assembly Tester in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of Backflow Assembly Tester, title 54, chapter 24, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any license renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my license to practice, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code § 54-2412(d) (violation of Board rules). I understand that the Board may enter an order either revoking or suspending my license to practice based upon my voluntary surrender of my license, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my license to practice, all of the privileges associated with said license are hereby surrendered until such time as I am again properly licensed. I understand that to regain a license to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 24, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my license or any license application that I may submit.

I waive refund of any payments made by me in connection with my license under the Drinking Water and Wastewater Professionals Act and any rules promulgated thereunder.

Name of Licensee: Wallace E. Hammons License No.: BAT-309

Address: P.O. Box 1179 Caldwell, ID 83606

Signature of Licensee or Authorized Individual: Wallace E. Hammons

Date: Jan 23, 2009

Signature of Witness: Dary Shoemaker Exhibit E Date: Jan 23, 2009